

OPERATOR PRIMER

Special Education in Public School Academies

Pre-Authorization Stage...Page 2

Preparing for Start-up...Page 7

OPERATING A PUBLIC SCHOOL ACADEMY...Page 10

ACCOUNTABILITY AND RENEWAL...Page 18

Non-Renewal, Revocation, and Termination...Page 21

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PRE-AUTHORIZATION STAGE

In the state of Michigan, charter schools are referred to as Public School Academies (PSAs). A PSA is considered a public school under Michigan law and has the same responsibilities regarding special education as the Local Education Agencies (LEA) in the state. For the purpose of this document, the terms PSAs and charter schools will be used interchangeably.

As a PSA school planning group, what is our role related to special education as we design our school?

The pre-authorization planning – the time before you submit your application for a charter – is the ideal time to begin planning for all students who may enroll in your PSA, including students with disabilities. As the PSA operator, you are assuming the role of administrator and operator as well as the instructional leader for your future faculty, parents, and all students. Although you obviously cannot plan for each student before they enroll, it is essential that you give consideration to children with disabilities as you are developing the initial plans for your school. The vision you have for your school will be seen, heard and implemented by others involved in the planning. Therefore, as you plan for your school, it is critically important you consciously plan for including students with disabilities in every aspect of your PSA. Doing this now will not only avoid future problems, but will also result in more effective educational opportunities for all of your students. Your Intermediate School District (ISD) special education contact can be an excellent resource to assist you in clarifying your role and responsibilities in providing special education programs /services.

? What is an ISD?

An Intermediate School District (ISD) is a corporate body established under Part 7 of The Revised School Code, Act 451 of 1976. There are 57 ISDs in Michigan that provide regional special education, career/technical education, and general education services to local constituent school districts and PSAs. Each ISD submits an ISD Plan for special education to the Superintendent of Public Instruction. The ISD Plan is the operational plan that sets forth the special education programs and related services to be delivered. All PSAs should contact their ISD to ensure they are included in the ISD Plan and any modifications thereto. Specific information regarding the ISD Plan can be found in Michigan Administrative Rules 340.1831 through 340.1837 (available online at

http://www.michigan.gov/documents/RevAdmRulesSE_2002_06_06_50576_7.pdf).

Why is it important to include students with disabilities as part of the discussion when we are developing the mission and vision of our school?

As a public school you must accept all students who apply under the terms of your charter. You should expect that you will enroll students with many different kinds of needs including students with disabilities. It is critically important to consider the needs of all students when you are developing the mission and vision of your PSA. When this possibility is carefully considered in the initial planning process, it is much more likely your mission and vision statements will be crafted so that you can accommodate a diverse array of students thus minimizing the likelihood of subsequent problems.

How can we plan for students with a wide variety of different disabilities?

During your initial planning, it is important to give some thought to how your school's purpose and mission can be relevant to a wide range of students. For example, how can it be made relevant to students with learning disabilities, physical disabilities, or students who present behavioral challenges?

The following six major legal principles contained in the Individuals with Disabilities Education Act (IDEA) should be considered in your planning to include students with disabilities:

- zero reject of children with disabilities federal law requires that all children are to be afforded an equal education opportunity and states may not deny an education on the basis of a disability;
- individualized education program (IEP) a written statement that must be developed in accordance with IDEA regulations for all students identified as having a disability and in need of special education services;
- free appropriate public education (FAPE) refers to special education and related services that are provided at no cost to the parent, meet state education standards and are consistent with a child's Individualized Education Program (IEP);
- *least restrictive environment (LRE)* students with disabilities must be educated in regular classrooms with their non-disabled peers, in the school they would attend if not disabled, to the maximum extent appropriate;
- due process federal special education law contains rules of procedure for resolving disputes between families and the school that include the state complaint system, resolution meetings, mediation, due process hearings, and appeals to state or federal court; and
- nondiscriminatory evaluation tests and evaluation materials that are
 provided and administered in the child's native language or other mode of
 communication; validated for the specific purpose for which they are used;
 administered by trained personnel; tailored to assess specific areas of
 educational need and not merely those designed to provide a single general
 intelligence quotient; and, reflective of the child's aptitude or achievement
 and not reflective of the child's impaired sensory, manual, or speaking skills.

Taking time to consider these principles and how they relate to PSAs in Michigan will help you to develop a school that addresses the needs of all your students.

Do we have any responsibility regarding the recruitment of students in order to be in compliance with federal civil rights laws?

Yes. When announcing your PSA or conducting outreach, you may not discriminate against students with disabilities. You should recruit students from all segments of the community served by your school using strategies that will not exclude students with disabilities. More details are available in the publication from the U.S. Department of Education Office for Civil Rights online at http://www.uscharterschools.org/pdf/fr/civil_rights.pdf

When providing outreach information to parents, you must make sure that a parent who might have a disability and/or who does not understand English has a meaningful opportunity to understand the outreach information given about your PSA as effectively as other parents. Appropriate accommodations must be made available whenever they are necessary to ensure effective communication with parents with disabilities. For example, qualified interpreters, translations, or another effective means of communication must be provided if requested.

What is our obligation to make sure that student applicants with disabilities are treated in a nondiscriminatory manner in admissions?

Under federal law, you may not categorically deny admission to students on the basis of disability. For example, you many not deny admission to a student with a disability solely because of that student's need for special education or related aids and services. Students with disabilities must have the opportunity to meet any appropriate minimum eligibility criteria for admission, consistent with the mission of the PSA and civil rights requirements.

What issues need to be considered as we plan to provide effective special education services?

While the issues will vary from school to school, several are common to all schools, including effective instruction, curriculum, service provision, funding, space and facilities, human resources, professional development, administration, transportation and special considerations. (The checklist at the end of this section poses questions designed to help you consider these important areas.)

Do PSAs in Michigan have an obligation beyond their assurance statement to educate students with disabilities?

Yes. Your planning activities and application will be stronger if you address areas about the education of students with disabilities that are connected to your legal responsibility for special education in accordance with Michigan's law.

What should we consider in preparing our application?

A few critical areas for you to consider include:

- describing how you are aware of the responsibilities entailed in the general assurance;
- articulating your plan regarding governance, service delivery and finance of special education;
- explaining how you will plan to:
 - o identify, evaluate and serve children with disabilities;
 - o develop, review and revise IEPs;
 - o integrate special education into the general education program; and
 - o deliver special education and related services, and
- projecting the cost of special education in your school including costs for:
 - o child find, student identification, evaluation and planning; and
 - providing special education services.

Specific PSA application requirements may vary from authorizer to authorizer in the state of Michigan.

Summary and Key Points

The pre-authorization stage provides you with a valuable opportunity to explore different aspects of your future PSA. While Michigan requires you to provide only a general assurance that you won't discriminate or just an assurance to abide by IDEA, you and your colleagues may not be aware at first of what these assurances entail. In an effort to preempt potential problems associated with not complying with special education requirements, you should use the pre-authorization phase to, among other things, educate yourself and other critical players (e.g., board members) about special education. By educating yourself earlier rather than later, you will be able to include special education and children with disabilities into your school's vision rather than leaving it to become an add-on component. Once your PSA is authorized and operating, the pressures associated with start-up and day-to-day operations may limit your ability to "think outside the box." So, use the time you have available to design your school, making sure you include special education at every decision point.

CHECKLIST OF SPECIAL EDUCATION CONSIDERATIONS FOR PUBLIC SCHOOL ACADEMY OPERATORS

Funding for special education Is there a formula for determining how much special education funding to include in our budget? What is the formula and how is it determined? What funds will we receive for special education services? federal state local funds grants fundraising	Service Provision ☐ How will we provide special education related services (e.g., occupational and physical therapy, orientation and mobility, speech therapy)? ☐ What should our Child Find activities look like? ☐ How will we conduct student identification, evaluation and special education determination meetings? ☐ Who will participate in IEP development and implementation? ☐ What types of special staff or consultants will we need to implement our students' IEPs?
Space and facilities	 How will we handle re-evaluations? How are we going to work with families? ■ How can we build partnerships? ■ What strategies can we use to be proactive in avoiding conflicts? Professional development How will we provide my teachers with professional development? What type of specialized professional development will be needed by school staff (including teachers, paraprofessionals, administrators) to support children with disabilities? Does the ISD or MDE operate a professional development program or network that I can utilize?
Human resources ☐ How many students will I need to hire? ☐ How many special education teachers will I need to hire? ☐ How many special education teachers will I need to hire? ☐ What kind of certification will the teachers need? ☐ Can I hire dual-certified teachers? ☐ Can I hire part-time or retired special education teachers? ☐ Can we use student teachers from area universities? ☐ What type of related services personnel will we need? ☐ How will we obtain these services and contract with these individuals? ☐ What other types of services will our school need? ☐ legal counsel with special education expertise ☐ accountants/bookkeepers/number crunchers Curriculum ☐ What curriculum will my school offer? ☐ How does our curriculum align with the state's suggested curriculum or standards for student learning? ☐ How will we modify the curriculum to address the unique needs of children with disabilities? ☐ How can we train general and special education teachers to modify/adapt the curriculum for children with disabilities in inclusive classrooms? ☐ What types of assistive technology will be needed by our students?	Administration □ Who will administer the special education program? □ Who will be responsible for collecting, managing and reporting data related to children with disabilities? □ What equipment/supplies/programs will be needed to collect and store data and records? How will we obtain these? What training will be needed to use these efficiently and appropriately? □ Can we create our own system to administer special education or do we need to adopt the policies/procedures dictated by my authorizer, local district, other administrative unit (e.g., an Intermediate Unit or a Cooperative)? Transportation □ Will we provide students with transportation? □ Can we access district or state transportation dollars to offset costs? □ How will we meet transportation needs of students who receive transportation as a related service that is required by their IEP? □ How will we arrange transportation for a student in a wheel chair?

PREPARING FOR START-UP

We have concerns about our ability to deliver instruction to students with disabilities that align with our curriculum. What should we do?

First, it is important that all charter staff understand that each child who is identified as a student with disability has an individual entitlement to a FAPE under IDEA. For students who require specific support, you need to adjust your program to meet their needs. Some strategies may include:

- Provide professional development regarding differentiating instruction;
- Re-allocate staff to ensure appropriate support for students;
- Incorporate into a student's IEP a provision for close tracking of the student's adjustment in the first 30 days at the PSA with a set date for the full IEP team to review progress and make any necessary revisions;
- Provide an array of accommodations and modifications to allow students to access the general education curriculum, e.g., assistive technology, positive behavior support (PBS);
- Collaborate with other PSAs, LEAs, or the ISD to provide a continuum of services:
- Contact the Michigan Association of Public School Academies (MAPSA) for additional resources www.visionforanewway.org; and
- Contact your local ISD for additional support/ideas for maintaining special education students in your school

If we have concerns about our ability to meet the needs of a specific student with a disability who is considering enrollment, can we recommend other programs or schools?

It is not appropriate for you to suggest that the needs of a student with a disability may be better met in another school. During the course of student recruitment, it is expected that your school staff and representatives will share information with prospective students and families on the school's curriculum and services. It would also be appropriate to discuss the services and supports currently provided to students with disabilities and to explore potential strategies for meeting the needs of the prospective student. The initial focus should be on understanding the needed supports and services and identifying strategies for delivering them within the context of your school's framework.

In the end, all issues about the appropriateness of the child's placement should be taken up with the child's IEP team and not with school staff upon enrollment. Additional information and clarification on appropriate strategies for addressing this issue may be found in the U.S. Department of Education Office for Civil Rights (OCR)

document, Applying Civil Rights Laws to Public Charter Schools: Questions and Answers, available online at http://www.uscharterschools.org/pdf/fr/civil_rights.pdf.

What should we do when a child with a disability applies to our school?

Since PSAs may not discriminate on the basis of a disability in determining eligibility for admission, your considerations for students with disabilities are to be the same as for students without disabilities.

It is critical that your PSA receives the records for a child who applies for admission from the child's previous school to ensure the IEP requirements are implemented. You may not deny a student entrance or fail to initiate special education services while awaiting records. Initiate a request to the previous school for the release of all student records. Contacting the special education office of the previous LEA may also be helpful in securing the records. Your ISD special education office can also help if you are not able to obtain a response from the previous school or LEA.

How much flexibility do we have as a PSA in hiring and/or contracting special education staff?

A PSA may hire or contract for any special education staff as long as these staff hold the appropriate certification and meet state and federal requirements for highly qualified staff. Standards are articulated in the Revised Administrative Rules for Special Education and the rules governing different professional specialties. For further questions, contact your local ISD for information.

<u>Note</u>: Even if a PSA contracts for services, the PSA operator remains responsible for compliance and service delivery.

Is there a difference between licensed educators and highly qualified educators?

Yes. Being licensed/certified is only one part of the requirements in the No Child Left Behind Act (NCLB) designed to ensure that teachers of core academic subjects be highly qualified. The IDEA applies this NCLB requirement to special education teachers who teach core subjects.

Do we have to hire full-time special educators in our PSA?

This depends on the needs of your students and staffing identified in their IEPs. However, you will have to be creative and flexible in designing staffing loads. A few of the options include hiring consultants on an hourly basis, or contracting for special educators via a collaborative agreement with the local school district or other (private or charter) schools.

Are there requirements for physical access that apply when I select the facilities that will house our PSA?

Yes. A PSA may not deny persons with disabilities, including parents and students, the benefits of programs and activities offered at its schools because of inaccessible facilities. The selection of the facility for your PSA may not result in excluding or limiting enrollment of people with disabilities from any school program or activity.

We rent our school building. Whose responsibility is it to make our school accessible?

Responsibility to modify a facility should be articulated in the lease between your school and the owner of the facility. It is very important you seek legal counsel prior to signing any contracts to lease or purchase your facility.

Are there different legal requirements that apply to PSAs located in existing facilities as compared to new facilities?

The requirements for PSAs are equal to those for all public schools. For existing facilities, a school's programs and activities, when viewed in their entirety, must be readily accessible to individuals with disabilities. Both the Section 504 and ADA Title II regulations permit considerable flexibility in meeting this legal standard. For example, structural changes are not required in existing facilities if nonstructural methods are effective in achieving program accessibility. For new construction and alterations (i.e., construction began since June 1977), Section 504 and ADA Title II require that a new or altered facility (or the part that is new or altered) must be readily accessible to, and usable by, individuals with disabilities.

Where can we obtain information and technical assistance in making our school accessible?

Your state and/or local code dictate who is responsible for ensuring that public facilities are accessible. Check with the Michigan Department of Labor and Economic Growth (DLEG), Bureau of Construction Codes and Fire Safety for technical assistance in determining what modifications need to be made and the appropriate approach to accomplish your desired goal.

Summary and Key Points

Your activities during the start-up period will provide the foundation for the day-to-day operation of your school. As you prepare for the opening, keep all students in mind including students with disabilities. Every time you, your board and your staff get ready to make a decision, ask yourselves if this decision will help every potential student? Cultivate your resources so you can draw on their expertise and experiences. Remember there are many sources of information and support available to you, including other charter and traditional schools, the Michigan Department of Education, your authorizer, your ISD, and MAPSA, to assist during the development and operation of your PSA.

MDE Office of School Improvement Operator Primer: Special Education in PSAs

OPERATING A PUBLIC SCHOOL ACADEMY

→ Introduction

This section provides an overview of critical issues and activities related to serving students with disabilities that you and your colleagues should address during day-to-day operation of your PSA. These may include curriculum implementation, staff and faculty hiring, student enrollment, fiscal issues and school accessibility. Ideally, you considered each of these issues during your pre-authorization and planning for startup phases. If not, don't despair, but do analyze your situation as soon as possible. You still have the opportunity to build on what you have in place so that your school can support all students including those with disabilities.

What special education services must a PSA provide?

In Michigan, PSAs must either operate or contract out for special education programs and services within the context of their ISD plan. All services must be provided in accordance with students Individualized Education Programs (IEPs).

A student with a significant disability has enrolled in our school. No one on our faculty has experience in this area. What should we do?

The first step is for your PSA staff to review the child's special education records, especially the IEP, and analyze your existing capacity to deliver the instruction and related services as described. If a child moves in with an existing IEP, Section R 340.1722e of the Michigan Administrative Rules for Special Education (MARSE) requires the following:

- (1) If a student who currently receives special education programs or services enrolls in a new school district, then the new school district shall do either of the following:
 - (a) With the parent's consent, immediately implement the student's current individualized education program.
 - (b) With the parent's consent, immediately place the student in an appropriate program or service and convene an individualized education program team meeting within 30 school days to develop an individualized education program.
- (2) If the parent does not provide consent for placement, then the school district will implement the student's current individualized education program to the extent possible and an individualized education program team meeting shall be convened to develop a new individualized education program as soon as possible, but not later than 30 school days (http://www.michigan.gov/documents/2002-06-06MichiganAdmRulesSpEd 34533 7.pdf).

It may also be appropriate to contact your ISD for potential program options in your area.

May we limit the participation of students with disabilities to certain aspects of our school's program?

No. Schools cannot limit participation—only an IEP Team can determine that a child should be limited in their participation in activities according to their individual needs. Consistent with civil rights laws, students with disabilities must be provided the opportunity to participate in the same activities offered to students without disabilities. This includes an opportunity to participate in a range of nonacademic or extracurricular programs and activities offered at your PSA.

We plan to develop Individual Learning Plans for all of our students. Do we still have to develop IEPs for students with disabilities?

Yes. All students receiving special education services must have an IEP that is developed by a multidisciplinary team following the procedural requirements of IDEA and Michigan's special education law and rules that are available online at http://www.michigan.gov/documents/2002-06-
O6MichiganAdmRulesSpEd 34533 7.pdf (Section R 340.1721 of the Administrative Dulas). The IED may some lament the plane years as head will develop for all students.

Rules). The IEP may complement the plans your school will develop for all students. However, the IEP will be the legal, guiding document for all special education services provided to a child who has been found to be eligible for special education.

Are there special strategies we might use to attract and retain our personnel who work with children with disabilities?

In many parts of the country, demand for educators (particularly special educators) exceeds the supply. While there is no special "fix," several strategies have proved effective in reducing turnover. These include creating a mentor system for new special educators, implementing a peer support program and implementing an opendoor discussion practice. Increasingly, research shows that the primary reasons special educators leave their positions are paperwork responsibilities, feelings of isolation from colleagues, high caseloads and multiple responsibilities. Specific upfront discussions about their individual roles in fulfilling the school's mission will help them to understand your school and their ability to help you meet your goals. It is extremely important that you are in frequent contact with your special educators to gauge satisfaction and/or frustration and explore strategies to minimize areas of difficulties.

What types of special education professional development should we offer our staff?

PSAs need to provide professional development opportunities to a variety of different types of individuals according to student and staff needs. Clearly your instructional staff (including paraprofessionals) need to have ongoing access to training specifically focused on linking instruction, curriculum, and the school's mission to the individual needs of students. Successful practices in personnel retention also stress the importance of involving the staff members in the planning of their own

professional development programs. A variety of professional development opportunities may be available to schools through the local ISD.

What type of professional development would benefit our board members, parents, and other volunteers?

Your PSA board members, parents, and other volunteers should be appropriately included in professional development opportunities. They will benefit from very focused, ongoing training in the PSA's responsibilities for students with disabilities as well as educational management issues. Given the strong PSA focus on parental involvement, it is important to reach out to parents and family members of students with disabilities to ensure they are part of the activities that involve all parents and meet their needs for information. Equally important, you, the operator, should take time to participate in ongoing professional development.

PSAs can tap into a variety of networks to learn more about special education in general and issues related to special education in PSAs specifically. Following is a partial list of resources that will be useful to you during the planning and operation of your PSA.

Governmental Agencies and Offices

- INTERMEDIATE SCHOOL DISTRICT (ISD) Michigan has 57 ISDs whose role it is to coordinate, develop, establish, and continually evaluate a Plan for the Delivery of Special Education Programs and Services (Plan) for its constituent local school districts and public school academies that is approved by Michigan's Superintendent of Public Instruction. For details, see http://www.michigan.gov/mde/0,1607,7-140--78090--,00.html
- MICHIGAN DEPARTMENT OF EDUCATION: The Michigan Department of Education is a rich source of general information regarding special education and, specific information regarding special education in charter schools. www.michigan.gov/mde
- **REGIONAL RESOURCE CENTERS**: The six Regional Resource Centers and the Federal Resource Center are funded by the U. S. Department of Education Office of Special Education Programs (OSEP) to provide consultation, technical assistance and training to state educational agencies and through them to local educational and other appropriate agencies. You can access links to the Federal Resource Center and to each Regional Resource Center at
- U.S. DEPARTMENT OF EDUCATION (ED): Several offices in the U.S.
 Department of Education maintain websites that may be helpful to charter school applicants. The Office of Special Education Programs (OSEP) maintains a Technical Assistance and Dissemination web page that provides links to a variety of resources related to special education at http://www.ed.gov/about/offices/list/osers/osep/index.html Another ED office that has more general resources for charter schools is the Office of Innovation and Improvement at

http://www.ed.gov/about/offices/list/oii/index.html?src=mr Information about the No Child Left Behind Act (NCLB), a law that all charter schools must understand is available at http://www.ed.gov/nclb/landing.jhtml?src=pb

National Special Education Networks

The following is a list of networks to learn more about special education in general and issues related to special education in charter schools specifically.

- NATIONAL ASSOCIATION OF STATE DIRECTORS OF SPECIAL EDUCATION: NASDSE's website provides a wide array of special education resources including a copy of the final report of Project SEARCH, a national study on special education in charter schools and documents on critical issues in special education produced by NASDSE's Project Forum. http://www.nasdse.org
- COUNCIL FOR EXCEPTIONAL CHILDREN (CEC): CEC is the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities and/or the gifted. CEC sets professional standards, provides professional development and helps professionals obtain conditions and resources necessary for effective professional practice. http://www.cec.sped.org
- NATIONAL INFORMATION CENTER FOR CHILDREN AND YOUTH WITH DISABILITIES (NICHCY): NICHCY is an information and referral center that provides free information on disabilities and disability-related issues. Children and youth with disabilities (birth to age 22) are NICHCY's special focus. http://www.nichcy.org
- PARENT ADVOCACY COALITION FOR EDUCATIONAL RIGHTS (PACER):
 PACER is a parent advocacy organization dedicated to expanding opportunities and enhancing the quality of life of children and young adults with disabilities and their families, based on the concept of parents helping parents. PACER's website (http://www.pacer.org) has a variety of resources developed to assist parents of children with disabilities and may be helpful in informing charter school operators regarding their obligations to parents of children with disabilities.
- SPECIAL EDUCATION NEWS: This private newsletter provides in-depth, upto-date news related to educating students with disabilities. http://www.specialednews.com

National Charter School Networks

NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS: This
organization renders support and technical assistance to those who sponsor or
authorize charter schools. http://www.charterauthorizers.org

- **U.S. CHARTER SCHOOLS WEBSITE**: This is a rich resource about all aspects of charter schools: http://www.uscharterschools.org
- NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS: an organization that addresses issues related to the development of quality charter schools and develops resources to support the charter movement. (http://www.publiccharters.org/

Michigan Organizations

- MAPSA: The Michigan Association of Public School Academies is a support organization that provides a variety of services for PSAs. The organization's website is http://www.charterschools.org/pages/index.cfm
- MAASE: The Michigan Association of Administrators of Special Education is the membership organization for those who are administrators of special education in the state. It is an official subdivision in Michigan of CASE, a component of the Council for Exceptional Children (CEC), a national organization of special education professionals. (http://www.maase.org/).

What should we do when our special education program costs more than the funding we receive from our state and the federal government?

Lack of funds is not a legal reason for denying services to a child who is eligible for special education. The Revised School Code, Act 451 of 1976 addresses the issue of "...an emergency due to extreme financial conditions" at §380.1702 available online at

(http://www.legislature.mi.gov/(x32vxk45hm3dkp2lsddj1c45)/mileg.aspx?page=get Object&objectName=mcl-380-1702). The School Code delineates the procedures for filing an application to the State Board of Education.

We don't provide transportation to students. Must we provide it for students in special education?

If your school provides transportation to and from school or financial support (e.g., tokens) for non-disabled students for that kind of transportation, then you need to do the same for students with disabilities. If you do not provide this support in general, then you typically do not need to provide it to students with disabilities. However, if an IEP team identifies transportation as a related service on a child's IEP, then your school will need to arrange for transportation services or see that the responsible entity does so. As your IEP team considers a student's need for transportation, it is critical that team members understand the difference between a student's need for transportation to get to school (common for all students) and a student's need as a result of a disability (which results in the need for a related service). If your PSA is responsible to provide this related service, you may contract for it or arrange for the family to transport the child to and from school or the location of the special services and receive reimbursement.

What are our responsibilities to conduct "Child Find" activities?

IDEA requires each state to "have in effect policies and procedures to ensure that all children with disabilities residing in the State who are in need of special education and related services are identified, located, and evaluated" [CFR §300.125(a)1(i)]. States develop procedures that their LEAs must follow to carry out these responsibilities. PSAs are responsible for Child Find for students enrolled in their school.

What should we do if a teacher or parent suspects a child might need special education?

Parents and teachers must be given clear information about the procedures that will be followed and the rights of a child to be evaluated to determine if they are eligible for special education. Parents and teachers must also be fully aware of other services your school provides (e.g., a student assistance team to provide help) prior to a formal special education evaluation referral. Federal and state law and regulations contain numerous specific requirements related to procedural safeguards that your teachers, parents and board members should be familiar with.

Every PSA should have clear procedures in place for attending to the needs of a child who is not progressing or is presenting other kinds of problems. Putting such procedures in place should be a part of planning before start-up so that they do not have to be developed in a crisis situation.

Property How many special education forms and reports do we have to complete?

It is very important that you, as the charter operator, understand the nature of your school's responsibilities and ensure your entire PSA staff has a clear understanding of the reporting responsibilities to avoid violations that might make the school vulnerable to non-compliance charges. Deciding who in your PSA will be responsible for what paperwork (followed by training to do this) will help to ensure completion of all requirements by competent, qualified individuals. Schools may contact their local ISD for technical assistance in this area.

Who is responsible for developing our students' IEPs?

PSAs have the responsibility for developing IEPs for their students with disabilities. MDE provides a model form on its website at: http://www.michigan.gov/mde/0,1607,7-140-6530_6598_36168---,00.html

Who should be involved in the development of a student IEP?

Current IDEA requirements provide that IEPs are to be developed by a team whose membership includes a parent of the child with a disability, one regular education teacher of the child, one special education teacher of the child, an administrative representative of the LEA, individuals who can interpret the instructional implications of evaluation results, other individuals with knowledge and expertise regarding the child and (as appropriate) the child. The IDEA does allow that a member of the IEP Team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the local educational agency agree in writing that the attendance of such member is not necessary. The law also allows for participation in a meeting by conference call or other electronic means.

What does the IEP need to include?

According to the IDEA, an IEP for each child with a disability must include:

- a statement of the child's present levels of educational performance, including how the child's disability affects the child's involvement and progress in the general curriculum;
- a statement of measurable annual goals;
- a statement of the special education and related services and supplementary aids ad services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child;
- an explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class;
- a statement of any individual modifications in the administration of state or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment and, if the IEP team determines that the child will not participate in a particular state or district-wide assessment, a statement of why that assessment is not appropriate for the child and how the child will be assessed;
- the projected date for the beginning of the services and modifications and the anticipated frequency, location and duration of those services and modifications; and
- a statement of how the child's progress toward the annual goals will be measured; how the child's parents will be regularly informed of their child's progress toward the annual goals and the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

In addition, for children age 16 and above, there are requirements for addressing transition needs that must be addressed in the IEP process.

The IEP is <u>not</u> to be a curriculum for the child. Rather it is to serve as a guide for how to "open the doors" to improve access to the general education curriculum and the necessary special education and related services that will allow the child to progress.

What is our school's responsibility when a child with a disability transfers to another school?

As with any other child, when a student with a disability transfers to another school, you must ensure timely transfer of all records. At the point that the child is formally no longer enrolled in your PSA, your school no longer has a responsibility to provide services to the child.

What options are available when a parent and a school do not agree with special education program or services?

There are a number of strategies parents and schools can use when there is a dispute. IDEA requires the state of have a state complaint system and to provide mediation and due process hearings. In addition, IDEA 2004 added an activity called a resolution meeting to support the early settlement of such disputes. After exhausting administrative procedures, parents can appeal to state or federal court. For further information see the following MDE documents: filing a formal complaint:

(http://www.michigan.gov/documents/ComplaintProcedures Feb 2003 60568 7.pdf) mediation:

(http://www.michigan.gov/documents/DisputeResolution Feb 2003 60576 7.pdf) due process hearings:

(http://www.michigan.gov/documents/2005-

015DueProcessProcSpecialEdHearings 125921 7.pdf).

Summary and Key Points

As you move through the day-to-day operation of your school, you will find that often you have to focus on a "challenge of the moment" related to students with disabilities. If you have planned carefully to put strategies in place for handling special education issues, they will not reach the crisis stage. Occasionally, you should take the time to revisit your mission and vision and have specific discussions on how all of your students and staff are doing. Remember to consult with resources available in your local school district, state education office, or charter authorizer. Taking time to address students with disabilities in a proactive and positive manner will have significant payoffs for your students, school and the community.

ACCOUNTABILITY AND RENEWAL

→ Introduction

Accountability refers to the policies and procedures that PSAs must abide by as required by federal and state special education and state PSA rules and regulations. PSAs are obligated to collect and report the same information that all public schools must report such as statistical reports regarding students, standardized tests, and budgets. This includes data regarding special education as part of the general statistical reports that are often used to generate state and federal categorical funds for special education. Examples include student headcount reports as well as more procedural documents such as IEPs that would be reviewed as part of the state special education monitoring process.

The best way to prepare to be accountable is to be thinking about it before the PSA opens its doors on the first day. It will be essential to get oriented to the data requirements related to special education that you are expected to collect and any required means of collecting and storing such data. A comprehensive (electronic) management information system and consistent, detail-oriented staff are two effective ways to handle this responsibility. The type of data you will need to compile includes demographic information on students, IEPs (content and timelines), attendance records, enrollment data and assessment information. A secure filing system to store the paper documents is also critical to ensure security and privacy of confidential and other critical data/reports.

What type of special education accountability provisions do we need to consider?

First and foremost, you need to address your authorizer's requirements and the state PSA law. Stay in close contact with your ISD and MDE to learn of updates in IDEA and NCLB implementation and implications for your PSA. At a minimum, you will also need to be able to document specific outcomes of students with disabilities, fiscal practices related to special education, timelines related to development and implementation of special education services, qualifications of faculty and staff and resolution of parent complaints.

What types of data should we collect so we are able to complete required reports?

Charter schools are required to submit the same data and statistical reports as traditional school districts. Examples include enrollment accounting, program accounting, student performance data and financial reporting. At a minimum you will need to be able to report data on all of your students disaggregated by the subgroups outlined in NCLB, one of which is students with disabilities. Keep these subgroups in mind as you are setting up your data collection and storage system, especially those related to assessments.

Even if your PSA has not begun enrolling students with disabilities, it is important to include provisions for special education in the development of data collection and management information systems. This will strengthen your infrastructure and prepare you to provide effective special education services that meet the mandates of the laws.

Is there added accountability specifically for special education?

Yes. Operators must understand that PSAs have an added level of formal accountability related to special education. The U.S. Department of Education carries out an extensive monitoring of SEAs, and then SEAs must develop and carry out a formal monitoring process for each of its LEAs. Your PSA's involvement in the process of monitoring is dictated by your legal status as an LEA or part of an LEA. For further information about special education monitoring in Michigan, see http://www.michigan.gov/documents/05-02FactSheet_130725_7.pdf

What resources are available to prepare my PSA to be successful in special education monitoring?

Technical assistance in this area may be obtained from your ISD, MDE, other LEAs, or other PSAs. One strategy could include the use of monitoring mentors where an experienced special educator can assist your PSA prepare for monitoring.

Place How do students with disabilities participate in the NCLB accountability system?

NCLB makes a point of including students with disabilities and special education programs in school assessment and accountability systems. Students receiving special education services including those with the most significant disabilities who participate in an alternate assessment system will "count" in the accountability formulas. Not only do they count - they can make a difference in your school's ability to meet criteria for "adequate yearly progress" and state-specific performance measures under the NCLB law. Talk with your colleagues, your authorizer and your ISD to identify effective strategies in helping students with disabilities to demonstrate progress.

2 How will special education be included in the renewal of our school's charter?

Throughout your renewal process, your authorizer will include evaluation of your special education practices. These will most likely focus on financial, academic, personnel, facilities and data systems. Having your special education infrastructure in place and operating smoothly will prepare you well for your renewal activities.

Could failure to meet special education requirements be cause for not renewing our charter?

Yes. Lack of compliance with federal and state statutes (including special education) can result in revocation or non-renewal of a charter.

How do we know if our authorizer has specific renewal policies and processes that address special education?

If you're not sure.....ask! Hopefully this is an area you discussed with your authorizer during your planning, start-up and operational phases. However, if you're not sure, find out what requirements your authorizer will expect you to meet as a condition for renewal. Other PSAs that are authorized by the same entity may also be an invaluable source of information regarding renewal.

It is also important that you stay informed about developments related to PSAs. Frequent review of information on the MDE website concerning PSAs (http://www.michigan.gov/mde/0,1607,7-140-6530_30334_40088---,00.html) will be invaluable.

Summary and Key Points

Accountability has become a cornerstone of school improvement efforts and it is a basic principle of the charter school movement. At a minimum, these include monitoring, files/data management, record keeping, procedural (special education) compliance, state charter law compliance and contract compliance. Depending on your school's legal status and linkage, you will work directly with your ISD, MDE, or authorizer throughout this phase. At the heart of this is a school's ability to demonstrate student progress, maintain qualified personnel and document instructional and financial practices. As valued members of your school, students with disabilities and their programs and staff will be involved in each aspect of this phase. Explicitly preparing for their involvement in all aspects of your school will avoid problems and enhance the quality of your accountability plan.

Non-Renewal, Revocation, and Termination

→ Introduction

Hopefully your school will never be faced with non-renewal, revocation, or termination of your charter. However, it is important to have a plan in place to be activated if your school closes so that you and your board members understand their responsibilities for the students with disabilities who are enrolled in your school at that time.

2 What do these terms mean?

- Non-renewal occurs when a PSA seeks renewal to operate after its approved period and the authorizer does not grant a new charter. As a result of not having its charter renewed, the school loses its authority to operate and exist as a public school.
- Revocation of a charter involves a proactive decision by a charter authorizer to remove a school's charter and its legal authority to operate as a public school.
 In general, revocations occur when a PSA does not meet the obligations articulated in the application or subsequent contracts with the authorizer.
- Termination may be a voluntary or involuntary end to the charter, according to the terms of the authorizing contract. Termination may be based upon the decision and action of the authorizer, the PSA, or both. -

If our school ceases to exist, what do we need to consider relative to our students with disabilities?

Ideally your school will be in a situation to facilitate the transfer of all funds, records (including student and financial) and equipment (instructional and adaptive) for all students, including those with disabilities. Check with your authorizer, ISD and MDE to obtain direction and recommendations regarding the wind-up and dissolution requirements for PSAs.

What is our legal obligation after our PSA has closed?

After the school closes, there will be requirements to conduct a final accounting of all funds spent by your school. Your state law, charter contract and authorizer will determine the specific nature of these activities and the ultimate destination of reports. Be sure to be in touch with the appropriate authorities to avoid the possibility of legal ramifications.

We don't know where specific children are going. What do we do with their records?

Your responsibility is to send students' records to their new schools. Every effort should be made to ensure that the students have enrolled in a new school. You will need to negotiate with the ISD or LEA in which the PSA is located to obtain an agreement from one of them to be the repository of any student records that have not been requested by a student's new school.

12 How should we transfer student records?

Perhaps the most important consideration in records transfer is ensuring the privacy of student information, The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) provides guidance on requirements in the transfer of educational records that contain personally identifiable information on your students. For a guide to privacy issues, see http://nces.ed.gov/pubs2006/2006805.pdf and for details about the law, see http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html (Careful attention sections pertaining to disclosure of information without the "written consent" of the parent or eligible student will help alleviate future problems).

How should we dispose of any special equipment that was purchased for our students with disabilities?

If equipment was purchased for one specific student, it should be forwarded to the student's new school. If this information is not known, or if the equipment was purchased for use in a special education program, it should be handled in the same manner as all other school equipment.

Any unit of equipment costing \$5,000 or more or any unopened equipment or supplies that aggregate to be worth \$5,000 or more and paid for with federal IDEA grant funds must be disposed of according to the following standards. The PSA should first offer the equipment, at no cost, to another public school or federally funded grant recipient. If no federally funded grant recipient accepts the offer, then the PSA shall put the equipment out for bid. If there no bidders then the equipment shall be put up for sale. If the equipment is still unsold, the PSA may deem the unit as salvage property. It is important that the PSA retain accurate records of the disposal. If the PSA is closing and there are proceeds after all outstanding bills have been paid, then the funds must be returned to the federal funding source. MDE is the federal fund source for IDEA funds. If the equipment was bought with state dollars, any proceeds from a sale must be returned to the State Treasurer for deposit in the state school aid fund.

Summary and Key Points

Activities during this phase may be charged with emotion and politics. Those aside, you and your Board of Directors have legal responsibilities to safeguard the rights of students, the privacy of records and the security of equipment. Hopefully, you clarified your responsibilities with your authorizer during your initial authorization activities. If not, do so now to ensure that everyone involved has a clear understanding of roles and responsibilities.